

UNAPPROVED MINUTES  
COUNCIL MEETING  
January 25, 2010

A regular meeting of the Council of the City of Salem, Virginia, was held in Council Chambers, City Hall, 114 North Broad Street, on January 25, 2010, at 7:30 p.m., there being present all the members of said Council, to wit: Byron Randolph Foley, John C. Givens, Jane W. Johnson, William D. Jones, and Lisa D. Garst; with Byron Randolph Foley, Mayor, presiding; together with Kevin S. Boggess, City Manager; James E. Taliaferro, II, Assistant City Manager and Clerk of Council; Frank P. Turk, Director of Finance; Melinda J. Payne, Director of Planning and Economic Development; William L. Simpson, Jr., Assistant City Engineer; Mike Stevens, Communications Director; and Stephen M. Yost, City Attorney; and the following business was transacted:

The January 11, 2010, work session and regular meeting minutes and the minutes of the January 13, 2010, joint work session with the Planning Commission were approved as written.

The report by the City Manager of the City's activities for December 2009 was received and ordered filed.

The report by the Director of Finance of the City's financial status for a six-month period ending December 31, 2009, was received and ordered filed.

It was noted that Christopher Zeller, Boy Scout Troop 7, and David Cooper, a new Salem Police Officer, were present at this meeting of Council.

Mayor Foley requested that Council receive a presentation from Melvin and Becky Crowder, Co-Chairs, 2009 Salem Relay for Life; and

WHEREAS, Melvin Crowder appeared before the Council and stated that on behalf of the Salem Relay for Life Steering Committee and 800 plus participants of the 2009 Salem Relay for Life, he would like to again thank Council and the City of Salem for its support; he stated that the Salem Relay for Life would not be the success it has been over the years without everyone involved from the City of Salem; he especially thanked Mike Stevens for the article in the Winter 2009 edition of the Salem Magazine; he presented a banner representing the funds the Salem Relay raised per capita; the Relay for Life of Roanoke College raised \$1.91 per capita, and the Relay for Life of Salem raised \$8.30 per capita for a total of \$10.21 per capita in the City of Salem; the Salem Relay was Number One per capita in Region 9 (South Atlantic Region), which encompasses 54 relay events; he then presented Council a plaque stating that

<p><u>ITEM 1</u> PRESENTATION FROM MELVIN AND BECKY CROWDER, CO- CHAIRS, 2009 SALEM RELAY FOR LIFE</p>
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the Salem Relay placed in the Top Ten per Capita in the Nation; he stated that the Salem Relay went from seventh in the nation for 2008 to third in the nation for 2009; he further stated that the theme for the 2010 Salem Relay for Life is “Read All About It—A Cure is Coming;” he again thanked Council and encouraged Council to participate in the Salem Relay;

THEREUPON, said presentation was received.

ITEM 2  
PRESENTATION  
FROM TIM  
STELLER,  
EXECUTIVE  
DIRECTOR, BLUE  
RIDGE  
BEHAVIORAL  
HEALTHCARE

Mayor Foley requested that Council receive a presentation from Tim Steller, Executive Director, Blue Ridge Behavioral Healthcare, regarding the Fiscal Year 2009 Performance Report; he stated that Blue Ridge Behavioral Healthcare is a community services board under the law of Virginia established by the Cities of Salem and Roanoke, and the Counties of Roanoke, Botetourt, and Craig; he further stated that Virginia law specifies that community services boards function as a single point of entry to publicly funded mental health, mental retardation and substance abuse services, and are directed by the state to prioritize mental health services to those persons with serious conditions; Mr. Steller discussed the types of services and programs provided by Blue Ridge Behavioral Healthcare and the benefits of using community-based programs opposed to residential-based programs; he presented Council with a detailed report of the specific services Blue Ridge Behavioral Healthcare provided to Salem residents during fiscal year 2009; he recognized and thanked the Salem representatives currently serving on the Board of Directors—Bruce Thomasson, Linda Franke, and Barbara Gresham; he also thanked Council and the City of Salem for its continued support; and

WHEREAS, Tim Steller, Executive Director, Blue Ridge Behavioral Healthcare, appeared before the Council

THEREUPON, said presentation was received.

ITEM 3  
SPECIAL  
EXCEPTION  
PERMIT  
APPROVED TO  
ALLOW A TWO-  
FAMILY DWELLING  
ON THE PROPERTY  
LOCATED AT 702  
FRONT AVENUE  
(T/M 201-10-2)

Mayor Foley reported that this date and time had been set to hold a public hearing to consider the request of D & D Property Management, property owner, for the issuance of a Special Exception Permit to allow a two-family dwelling on the property located at 702 Front Avenue (Tax Map #201-10-2); notice of such hearing was published in the January 6 and 13, 2010, issues of The Roanoke Times, a newspaper having general circulation in the City of Salem; and

WHEREAS, the Planning Commission at its regular meeting held January 13, 2010, recommended approval of said request; and

WHEREAS, staff noted the following: the subject property consists of one parcel, at the northwest corner of the intersection of Front and Eddy Avenues, near the Dilly-Dally convenience store; the property is approximately 130 feet by 57 feet and is occupied by an approximately 1,300 square-foot, one-story single-family residence; at the rear of the property is a small outbuilding that was formerly used as a barber shop; this request is for a Special Exception Permit to allow a two-family residence; the applicants state that they will build an attached two-story addition to the existing one-story structure and demolish the former barber shop to add a parking area adjacent to the alley at the rear of the property; this property lies entirely within the 100-year flood zone; the existing barber shop extends approximately four feet into the Eddy Avenue right of way; off-street parking must be provided for a two-family dwelling; two spaces are required for each dwelling unit, and all off-street parking areas are to be constructed of a hard surface consisting of bituminous concrete or concrete; and if the Special Exception Permit is approved, the applicants will be required to record a combination plat before a building permit can be issued; and

WHEREAS, the Director of Planning and Economic Development stated that the petitioner appeared at the Planning Commission meeting held January 13, 2010, to request a Special Exception Permit so that he can build a duplex on the property; and

WHEREAS, a discussion was held regarding the request; and

WHEREAS, Councilman Jones asked if staff approved of the proposed request; and

WHEREAS, the Director of Planning and Economic Development stated that staff did not foresee any issues with the proposed request; and

WHEREAS, Councilwoman Garst questioned if the owner had previously done work on other properties in the city; and

WHEREAS, the Director of Planning and Economic Development stated that the property owner has done favorable work on other properties in the city; she stated that no one appeared against the request at the Planning Commission meeting;

ON MOTION MADE BY VICE MAYOR GIVENS, SECONDED BY COUNCILMAN JONES, AND DULY CARRIED, the request of D & D Property Management, property owner, for the issuance a Special Exception Permit to allow a two-family dwelling on the property located at 702 Front Avenue (Tax

Map #201-10-2) was hereby approved – the roll call vote: Lisa D. Garst – aye, William D. Jones – aye, Jane W. Johnson – aye, John C. Givens – aye, and Byron Randolph Foley – aye.

ITEM 4  
ORDINANCE  
APPROVED ON  
FIRST READING  
AMENDING  
CHAPTER 14,  
ARTICLE I IN  
GENERAL, AND  
ARTICLE IV DOGS  
AND CATS, OF THE  
CODE OF THE CITY  
OF SALEM,  
VIRGINIA

Mayor Foley requested that Council consider adopting an ordinance on first reading amending Chapter 14, Article I in General, and Article IV Dogs and Cats, of The Code of the City of Salem, Virginia, pertaining to Animals; and

WHEREAS, the City Manager stated that he would address Items 4 and 5 on the agenda together; he stated that Item 4 is primarily a state code update, updating the City Code to correspond with the State Code sections; the ordinance amendment also better addresses nuisance animals and adds exotic animals; he stated that Item 5 goes along with Item 4, but has a later implementation because it relates to licensing fee changes and licensing of felines; he stated the implementation date for Item 5 is October 1, 2010;

ON MOTION MADE BY COUNCILWOMAN JOHNSON, SECONDED BY VICE MAYOR GIVENS, AND DULY CARRIED, an ordinance entitled “AN ORDINANCE TO AMEND, REVISE, AND REORDAIN CHAPTER 14, ARTICLE I IN GENERAL AND ARTICLE IV DOGS AND CATS OF THE CODE OF THE CITY OF SALEM, VIRGINIA, PERTAINING TO ANIMALS,” was hereby approved on first reading -- the roll call vote: Lisa D. Garst – aye, William D. Jones – aye, Jane W. Johnson – aye, John C. Givens – aye, and Byron Randolph Foley – aye.

ITEM 5  
ORDINANCE  
APPROVED ON  
FIRST READING  
AMENDING  
CHAPTER 14,  
ARTICLE IV DOGS  
AND CATS, OF THE  
CODE OF THE CITY  
OF SALEM,  
VIRGINIA,  
PERTAINING TO  
ANIMALS

Mayor Foley requested that Council consider an ordinance on first reading amending Chapter 14, Article IV Dogs and Cats, Division 2, of The Code of the City of Salem, Virginia, pertaining to Animals;

ON MOTION MADE BY COUNCILWOMAN GARST, SECONDED BY COUNCILMAN JONES, AND DULY CARRIED, an ordinance entitled “AN ORDINANCE TO AMEND, REVISE, AND REORDAIN CHAPTER 14, ARTICLE IV DOGS AND CATS, DIVISION 2 OF THE CODE OF THE CITY OF SALEM, VIRGINIA, PERTAINING TO ANIMALS,” was hereby approved on first reading -- the roll call vote: Lisa D. Garst – aye, William D. Jones – aye, Jane W. Johnson – aye, John C. Givens – aye, and Byron Randolph Foley – aye.

ITEM 6  
RESOLUTION 1150  
APPROVED IN  
SUPPORT OF THE  
CENTER FOR THE  
CREATIVE  
TECHNOLOGIES IN  
THE ARTS AT  
VIRGINIA TECH

Mayor Foley requested that Council consider adopting Resolution 1150 in support of the Center for the Creative Technologies in the Arts at Virginia Tech; and

WHEREAS, the City Manager stated that the Center for the Creative Technologies in the Arts at Virginia Tech approached the city about a proposed project at Virginia Tech of which the Salem School System has participated in pilot projects; he stated that the Center for the Creative Technologies in the Arts at Virginia Tech is looking at a \$90 million capital project to create an appropriate space to house the center on the Virginia Tech campus; he stated that two-thirds of the money has been allocated, fund raising efforts are being used to raise another one-third, and the center is asking the state legislature to keep the funding in the capital list and allocate funding for the project as soon as possible; he further stated that the resolution shows Council's support for the concept and when money becomes available, Council supports the money being used for the project; and

WHEREAS, a discussion was held regarding the funding; it was noted that funding will not come from the City of Salem, funding is being requested from the State of Virginia capital funds;

ON MOTION MADE BY VICE MAYOR GIVENS, SECONDED BY COUNCILWOMAN JOHNSON, AND DULY CARRIED, Resolution 1150 in support of the Center for the Creative Technologies in the Arts at Virginia Tech was hereby adopted:

(HERE SET OUT RESOLUTION 1150)

-- the roll call vote: Lisa D. Garst – aye, William D. Jones – aye, Jane W. Johnson – aye, John C. Givens – aye, and Byron Randolph Foley – aye.

Mayor Foley requested that Council consider setting a public hearing in accordance with Section 98-94 of The Code of the City of Salem, Virginia, for issuance of Certificates of Public Convenience and Necessity for the next twelve (12) months (April 1, 2010, to March 31, 2011);

ON MOTION MADE BY COUNCILMAN JONES, SECONDED BY VICE MAYOR GIVENS, AND DULY CARRIED, February 22, 2010, was hereby set to hold a public hearing in accordance with Section 98-94 of The Code of the City of Salem, Virginia, for the issuance of Certificates of Public Convenience and Necessity for the next twelve (12) months (April 1, 2010, to March 31, 2011) -- the roll call vote: Lisa D. Garst – aye, William D. Jones – aye, Jane W. Johnson – aye, John C. Givens – aye, and Byron Randolph Foley – aye.

<p><u>ITEM 7</u> PUBLIC HEARING SET FOR FEBRUARY 22, 2010, FOR THE ISSUANCE OF CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY FOR THE NEXT TWELVE MONTHS</p>
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**ITEM 8**  
**FEBRUARY 8, 2010,**  
**COUNCIL WORK**  
**SESSION AND**  
**REGULAR**  
**MEETING**  
**RELOCATED TO**  
**ANDREW LEWIS**  
**MIDDLE SCHOOL**

Mayor Foley requested that Council consider relocating the February 8, 2010, Council work session and regular meeting to Andrew Lewis Middle School due to the large number of people expected to appear relating to a rezoning request;

ON MOTION MADE BY VICE MAYOR GIVENS, SECONDED BY COUNCILWOMAN GARST, AND DULY CARRIED, the February 8, 2010, Council work session and regular meeting is hereby relocated to Andrew Lewis Middle School, 610 South College Avenue, Salem, Virginia -- the roll call vote: Lisa D. Garst – aye, William D. Jones – aye, Jane W. Johnson – aye, John C. Givens – aye, and Byron Randolph Foley – aye.

**ITEM 9**  
**DAVID G. BRITTAN**  
**REAPPOINTED TO**  
**REAL ESTATE TAX**  
**RELIEF REVIEW**  
**BOARD; MELINDA**  
**J. PAYNE**  
**REAPPOINTED AS**  
**BYRON**  
**RANDOLPH**  
**FOLEY'S FULL-TIME**  
**ALTERNATE ON**  
**TOTAL ACTION**  
**AGAINST POVERTY**  
**IN THE ROANOKE**  
**VALLEY BOARD OF**  
**DIRECTORS**

Mayor Foley requested that Council consider appointments to fill vacancies on various boards and commissions;

ON MOTION MADE BY COUNCILMAN JONES, SECONDED BY COUNCILWOMAN GARST, AND DULY CARRIED, David G. Brittan was hereby reappointed to the Real Estate Tax Relief Review Board for a three-year term, said term will expire February 14, 2013 -- the roll call vote: Lisa D. Garst – aye, William D. Jones – aye, Jane W. Johnson – aye, John C. Givens – aye, and Byron Randolph Foley – aye.

ON MOTION MADE BY COUNCILWOMAN GARST, SECONDED BY COUNCILWOMAN JOHNSON AND DULY CARRIED, Melinda J. Payne was hereby reappointed as Byron Randolph Foley's full-time alternate on the Total Action Against Poverty in the Roanoke Valley Board of Directors, said term will expire June 14, 2010 -- the roll call vote: Lisa D. Garst – aye, William D. Jones – aye, Jane W. Johnson – aye, John C. Givens – aye, and Byron Randolph Foley – aye.

**ITEM 10**  
**CLOSED SESSION**  
**FOR PERSONNEL**  
**MATTER**  
**CONCERNING CITY**  
**MANAGER AND**  
**ASSISTANT CITY**  
**MANAGER**  
**EVALUATIONS**

Mayor Foley requested that Council convene to closed session to discuss a personnel matter;

ON MOTION MADE BY VICE MAYOR GIVENS, SECONDED BY COUNCILWOMAN JOHNSON, AND DULY CARRIED, in accordance with Section 2.2-3711 A. of the Code of Virginia, 1950 as amended to date, Council convened to Closed Session at 7:58 p.m. for the purpose of discussing the following specific matter:

1. Discuss a personnel matter concerning City Manager and Assistant City Manager evaluations, which is authorized by Section

2.2-3711 A. 1. of the Code of Virginia, 1950 as amended to date;

-- the roll call vote: all - aye.

Upon reconvening at 9:38 p.m.;

ON MOTION MADE BY VICE MAYOR GIVENS, SECONDED BY COUNCILWOMAN JOHNSON, AND DULY CARRIED, in accordance with Section 2.2-3712 D. of the Code of Virginia, 1950 as amended to date, Council hereby certifies that in Closed Session only items lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such items identified in the motion by which the Closed Session was convened were heard, discussed, or considered by the Council -- the roll call vote: all - aye.

There being no further business to come before the Council, the same on motion adjourned at 9:40 p.m.